

ASKS FOR AN INJUNCTION.

Trustee Takes a Hand in the Des Moines Water Fight.

Special Dispatch to the World-Herald.

Des Moines, Ia., Dec. 4.—The Savings and Trust company of Cleveland, O., filed a bill of complaint in the United States circuit court here this afternoon, asking an injunction against the city of Des Moines and the Des Moines Water Works company to restrain them from putting into force the water regulation ordinance of 1893.

The complainant holds \$300,000 of consolidated mortgage bonds and is trustee for \$150,000 more, issued by the North Des Moines Water company before it was absorbed by the Des Moines Water company. The case is the outcome of litigation lasting two years.

In 1892 the council adopted an ordinance regulating public and private water rates, which repealed the ordinance of 1871, under which the water company had previously operated. Recently the state supreme court gave an opinion holding that the city had the right to regulate, provided the rates are reasonable. The water company has failed to get the council to modify the rates. Recently President F. M. Hubbell sold the plant to C. F. Parks, a Boston engineer, representing a syndicate.

The Savings and Trust company asserts that the water company is about to accept the rates, which will cut down the yearly profits fully \$50,000 and make it impossible for it to pay interest on the bonds or create a sinking fund for the final payment on maturity. It therefore asks that an injunction issue against both the city and the water company, restraining the former from forcing and the latter from accepting the 1893 rates, and that on final hearing the ordinance be declared unconstitutional, because it confiscates the property of the company without adequate return. The hearing will be held Friday for the arguments on the temporary injunction.